IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

WALEED HAMED, AS EXECUTER OF THE ESTATE OF MOHAMMED HAMED Vs.	Plaintiff	CASE NO. SX-12-CV-370
FATHI YUSUF et., al.,	Defendant	ACTION FOR: INJUNCTIVE RELIEF et. al.,

NOTICE
OF
ENTRY OF JUDGMENT/ORDER

TO: JOEL H. HOLT, HON. EDGAR ROSS Esquire
GREGORY H. HODGES, MARK W. ECKARD, Esquire
CARL J. HARTMANN, III Esquire
JEFFREY B. C. MOORHEAD, ESQ.
STX/STT JUDGES AND LAW CLERKS
LAW LIBRARY/IT/TAMARA CHARLES

Please take notice that on MARCH 14, 2018 A Memorandum Order was entered by this Court in the above-entitled matter.

Dated: March 14, 2018

ESTRELLA GEORGE
Clerk of the Superior Court

By: Cheryl V. Clarke
Court Clerk Supervisor

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

WALEED HAMED, as Executor of the Estate of MOHAMMED HAMED Plaintiff/Counterclaim Defendant, v. FATHI YUSUF and UNITED CORPORATION, Defendants/Counterclaimants, v. WALEED HAMED, WAHEED HAMED, MUFEED HAMED, HISHAM HAMED, and PLESSEN ENTERPRISES, INC., Counterclaim Defendants.	Civil No. SX-12-CV-370 ACTION FOR INJUNCTIVE RELIEF, DECLARATORY JUDGMENT, and PARTNERSHIP DISSOLUTION, WIND UP, and ACCOUNTING
WALEED HAMED, as Executor of the Estate of MOHAMMED HAMED, Plaintiff, v. UNITED CORPORATION, Defendant.	Civil No. SX-14-CV-287 ACTION FOR DAMAGES and DECLARATORY JUDGMENT
WALEED HAMED, as Executor of the Estate of MOHAMMED HAMED, Plaintiff, v. FATHI YUSUF, Defendant.	Civil No. SX-14-CV-278 ACTION FOR DEBT and CONVERSION

MEMORANDUM OPINION AND ORDER

This matter comes before the Court on Defendants' Motion to Disqualify Counsel for the Hameds and for Discovery Related to Additional Potential Basis for Disqualification (Motion), filed December 5, 2017; Plaintiff's Opposition thereto, filed December 15, 2017; and Defendants' Reply, filed January 9, 2018. By their Motion, Defendants seek to disqualify Joel H. Holt, Esq. from representing Plaintiff in these matters on the basis of an alleged violation of V.I. S. Ct. R.

211.1.12.[1] Specifically, Defendants argue that because Attorney Holt recently hired Robin Seila, Esq. who was formerly employed as a judicial law clerk to the undersigned, and because it is impossible to implement effective screening procedures in a law firm consisting of only two attorneys, Attorney Holt must be disqualified.

Defendants alternatively request that the Court permit them to "serve written discovery and take depositions concerning the timeline of employment discussions and Attorney Seila's involvement with this matter and any other related matters on which she performed substantive work during her clerkship." Defendants raised the concern "that Attorney Seila did not submit a sworn statement in opposition to disqualification," and describe her failure to do so as "a telling and glaring omission." Reply, at 2. Subsequently, the Court ordered Plaintiff's counsel to submit a declaration of Attorney Seila describing her personal, substantive participation in these matters as judicial law clerk, which was filed February 6, 2018 (Seila Declaration). By Order entered February 16, 2018, Defendants were granted leave to file a surreply to Attorney Seila's Declaration, which was filed March 6, 2018.

Legal Standard

"A motion to disqualify counsel requires the court to balance the right of a party to retain counsel of his choice and the substantial hardship which might result from disqualification as against the public perception of and the public trust in the judicial system." *Nicholas v. Grapetree Shores, Inc.*, 2013 U.S. Dist. LEXIS 42717, at *12 (D.V.I. 2013) (citing *Lamb v. Pralex Corp.*, 46 V.I. 213, 216 (D.V.I. 2004)).[2] "Disqualification issues must be decided on a case by case basis and the party seeking disqualification of opposing counsel bears the burden of clearly showing that the continued representation would be impermissible." *Id.* Because "motions to disqualify seek to deprive the opposing party of their counsel of choice, and may be motivated by tactical concerns,"

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[1] Attorney Holt represents Plaintiff Waleed Hamed, as Executor of the Estate of Mohammed Hamed, in the three consolidated cases, and Waleed Hamed (individually), Waheed Hamed, Mufeed Hamed and Hisham Hamed as Counterclaim Defendants in SX-12-CV-370. The Motion seeks Attorney Holt's disqualification from all such representation.

[2] *Nicholas* and other cases interpret American Bar Association Model Rule of Professional Conduct 1.7. Effective February 1, 2014, these Model Rules were adopted in the Virgin Islands as the Virgin Islands Rules of Professional Conduct codified in VISCR 211. *See* Promulgation Order 2013-001; *compare* MRPC 1.7 *with* VISCR 211.1.7. Case law interpreting the Model Rule is persuasive to the interpretation of its substantively identical Virgin Islands counterpart.

they are "viewed with disfavor and disqualification is considered a drastic measure which courts should hesitate to impose except when absolutely necessary." *Id.* at *13 (internal quotations omitted).

Discussion

Pursuant to the Virgin Islands Rules of Professional Conduct, "a lawyer shall not represent anyone in connection with a matter in which the lawyer participated personally and substantially as a judge or other adjudicative officer or law clerk to such a person... unless all parties to the proceeding give informed consent confirmed in writing." VISCR 211.1.12(a). This disqualification is imputed to such a former judicial clerk's entire firm, unless "the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule." VISCR 211.1.12(c)(1) and (2).

In order to determine whether Attorney Holt should be disqualified from representing Hameds, the Court must first determine if Attorney Seila participated "personally and substantially" in the instant matters, and whether she should resultantly be disqualified from participation. If Attorney Seila is disqualified, the Court must then decide whether Attorney Holt "timely screened" Attorney Seila "from any participation in the matter;" if she was "apportioned no part of the fee therefrom;" and if "written notice [was] promptly given to the parties and any appropriate tribunal." VISCR 211.1.12(c). In such event, even if Attorney Seila is disqualified, compliance with VISCR 211.1.12(c) permits Attorney Holt to continue to represent Hameds.[3]

For purposes of Defendants' Motion, Attorney Seila's involvement with these consolidated cases is deemed to have been "personal and substantial."

To disqualify Attorney Seila, Defendants must clearly show that she had "personal and substantial" involvement in these matters as a law clerk to the undersigned. VISCR 211.1.12(a). In her Declaration, Attorney Seila detailed her involvement with the instant matters, describing being asked beginning in mid-August 2015 to "keep track of the motions filed in SX-12-CV-370

[3] Although Defendants' Motion seeks only to disqualify Attorney Holt, it seeks to do so by imputing Attorney Seila's alleged conflict to Attorney Holt's firm. Without "clearly showing that the continued representation" of Hameds by Attorney Seila "would be impermissible," Defendant cannot show that a conflict is imputed onto Attorney Holt. *Nicholas*, 2013 U.S. Dist. LEXIS 42717, at *12.

and SX-14-CV-278," and to "update" the undersigned "periodically as to what had been filed." Seila Declaration, at 2. She states that she provided "a spreadsheet of the pending motions, with bullet points to summarize the issues," assembled "packets of Motion, Opposition, and Reply for the various pending motions, along with copies of relevant documents." Further, Attorney Seila attended hearings and meetings discussing these matters, and "was assigned to research the jury issues." *Id.* at 3-4.

Although the application of VISCR 211.1.12 has not been discussed in this context by the Virgin Islands Supreme Court, its Model Rule counterpart was addressed by the New Jersey Supreme Court in *Comparato v. Shait*, 180 N.J. 90 (N.J. 2004).[4] In *Comparato*, the New Jersey Supreme Court recognized that the issue of whether a judicial clerk's participation may be deemed personal and substantial "ultimately depends on the totality of circumstances in a given case. Relevant to the inquiry is whether the law clerk was involved in the case beyond performing ministerial functions or merely researching general legal principles for the judge," distinguishing that conduct "rising to the level of 'personal and substantial' would involve a substantive role, such as the law clerk recommending a disposition to the judge or otherwise contributing directly to the judge's analysis of the issues before the court." *Id.* at 98-99. In drawing this distinction, the Court noted that the gist of the litigation in issue was "procedural as opposed to substantive in nature" at the time of the law clerk's involvement. *Id.* at 97.

Here, Attorney Seila's involvement in these matters involved the "ministerial functions" of cataloguing incoming motions, as well as "merely researching general legal principles for the" undersigned. However, Attorney Seila confirms that she was assigned to research the issue of whether Plaintiff was entitled to a jury trial, relating to Defendants' Motion to Strike Hamed's Jury Demand. She asserts that she "did not recommend a particular disposition on these consolidated matters," and is "certain that [she] did not contribute to Judge Brady's analysis in any of the issues" therein, assertions that are consistent with the undersigned's recollection and view of Attorney Seila's participation. Seila Declaration, at 4. Nonetheless, because Attorney Seila's participation in these matters continued over a period of nearly two years and included exposure to the broad

[4] New Jersey's Rules of Professional Conduct are substantially identical to the ABA Model Rules, as are the Virgin Islands Rules, such that New Jersey's application is persuasive. *See infra* note 8; *Compare, e.g.,* NJRPC 1.12 *with* MRPC 1.12 *with* VISCR 211.1.12.

range of facts and legal issues involved, especially in SX-12-CV-370, the Court concludes that her participation was sufficiently "personal and substantial" under VISCR 211.1.12(a) to warrant prophylactically disqualifying Attorney Seila from representing Hameds in any of these consolidated matters.

The disqualification of Attorney Seila as the result of her "personal and substantial" involvement in these cases under VISCR 211.1.12(a) is imputed to Attorney Holt unless his firm complied with the screening and notice components of Rule 211.1.12(c), which provides:

> If a lawyer is disqualified by paragraph (a), no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in the matter unless: (1) the disqualified lawyer is timely screened from any participation in the matter and is apportioned no part of the fee therefrom; and (2) written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule. VISCR 211.1.12(c).

Attorney Seila has been adequately and timely screened by Attorney Holt from participation in these matters.

The Rules of Professional Conduct define the process of screening a disqualified attorney, as "the isolation of a lawyer from any participation in a matter through the timely imposition of procedures within a firm that are reasonably adequate under the circumstances to protect information that the isolated lawyer is obligated to protect under these rules or other law." VISCR 211.1.0(k).

Defendants do not argue that Attorney Holt's implementation of screening procedures was untimely, instead arguing that screening is impossible in a two-member firm. Motion, at 4. In support, Defendants cite a number of cases. However, none of the cases provided originate in the Virgin Islands, and none support the proposition that a former law clerk cannot be effectively screened in a small firm.[5] In fact, the phrase "law clerk" does not appear in any of the authority

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[5] *See* Motion, at 5-11. Therein, Defendants cite: *Cheng v. GAF Corp.*, 631 F.2d 1052 (2d Cir. 1980) (dealing with 'Canon 4' and Disciplinary Rule 5-105(D) of the former ABA Model Code of Professional Responsibility, holding that a 35-person firm was too small for effective screening, and disqualifying the firm for an attorney's conflict of interest to a former client); *Chase Home Finance, LLC v. Ysabel*, 2010 WL 3960775 (Sup. Ct. Conn. 2010) (disqualifying under Conn. R. Prof. Conduct 1.9 and 1.10, dealing with conflicts of interest to former clients); *Baird v. Hilton Hotel Corp.*, 771 F. Supp. 24 (E.D.N.Y. 1991) (dealing with conflicts of interest to former clients); *Crudele v. N.Y. City Police Dep't*, 2001 WL 1033539 (S.D.N.Y. 2001) (disqualifying a former government employee who "switched sides" in substantively identical litigation); *Marshall v. N.Y. Div. of State Police*, 952 F. Supp. 103 (N.D.N.Y. 1997) (dealing with conflicts of interest to former clients); *Filippi v. Elmont Union Free School Dist. B'd of Ed.*, 722 F. Supp. 2d 295 (E.D.N.Y. 2010) (disqualifying plaintiff's counsel under N.Y. R. Prof. Conduct 1.7 & 1.11 where counsel had an ongoing fiduciary duty to defendant Board); *Stratton v. Wallace*, 2012 WL 3201666

cited by Defendants, but rather all the cited cases relate to breaches of duties to former clients, and the imputation of such conflicts onto an attorney's firm.[6]

Even so, courts within the Second Circuit, primarily relied upon by Defendants, decline to apply a *per se* rule establishing the acceptable numerical size of a law firm when determining the effectiveness of a screening protocol. *Hempstead Video, Inc. v. Inc. Vill. of Valley Stream*, 409 F.3d 127, 137-38 (2d Cir. 2005) (noting that *Cheng* is not binding precedent on district courts within the Circuit and disclaiming "so categorical a rule"); *see also S.E.C. v. Ryan*, 747 F. Supp. 2d 355, 373 (N.D.N.Y. 2010) ("As long as the law firm exercises special care and vigilance, a small firm can erect a suitable and satisfactory quarantine or isolation of an attorney to protect the sharing of confidential information."); *Am. Tax Funding, LLC v. City of Schenectady*, 2014 U.S. Dist. LEXIS 167464 (N.D.N.Y. 2014) (declining to impute a former law clerk's conflict onto his small firm because the attorney was adequately screened); *Brown v. City of Syracuse*, 2013 U.S. Dist. LEXIS 78810 (N.D.N.Y. 2013) (declining to impute an attorney's conflict onto his four-person firm because the attorney was adequately screened). These permissive principles have been implemented in the Virgin Islands as well. *People v. Najawicz*, 2014 WL 905798, at *3 (V.I. Super.

(W.D.N.Y. 2012) (disqualifying defense counsel because an attorney at defense counsel's firm previously represented plaintiff in substantially similar litigation); *In re Asbestos Cases*, 514 F. Supp. 914 (E.D. Va. 1981) (disqualifying small firm in Norfolk asbestos litigation against the United States because attorney had previously defended the United States in Norfolk asbestos litigation); *P.R. Fuels, Inc. v. Empire Gas Co., Inc.*, 1993 WL 840220 (Sup. Ct. P.R. 1993) (defense counsel disqualified because attorney in small firm previously represented plaintiff); *Mitchell v. Metropolitan Life Ins. Co.*, 2002 WL 441194 (S.D.N.Y. 2002) (disqualifying plaintiff's counsel because partner in small firm previously represented defendant); *Energy Intelligence Group, Inc. v. Cowen & Co., LLC*, 2016 WL 3929355 (S.D.N.Y. 2016) (case appears at 2016 WL 3920355, disqualifying plaintiff's counsel because attorney in a small firm previously represented defendant in a substantially similar matter); *U.S. v. Pelle*, 2007 WL 674723 (D.N.J. 2007) (disqualifying defense firm in a criminal matter because two of the firm's three attorneys previously represented an individual appearing as a witness against defendant); *Yaretsky v. Blum*, 525 F. Supp. 24 (S.D.N.Y. 1981) (disqualifying defense firm because it is "at least potentially in a position to use privileged information" obtained from "the other side through prior representation"); *Van Jackson v. Check N' Go of IL, Inc.*, 114 F. Supp. 2d 731 (N.D. Il. 2000) (disqualifying four-attorney defense firm after hiring a lawyer from plaintiff's law firm who previously personally represented some of the named plaintiffs in the same lawsuit).

[6] Unlike its Model Rule counterpart, the Virgin Islands Rule addressing the imputation of conflicts stemming from breaches of an attorney's duties to former clients does not provide screening as an exception to the firm's disqualification. *Compare* VISCR 211.1.10 *with* MRPC 1.10. This distinction recognizes that all firms in the Virgin Islands are "small firms," making effective screening difficult in such cases, with the result that an attorney's conflict of interest regarding a duty of loyalty to a former client is imputed to the firm without screening exception. However, VISCR 211.1.12 does allow an exception to the disqualification of the firm where a former law clerk is effectively screened. Any rule declining to allow a screening exception for former law clerks in small firms, as Defendants urge, could result in the unintended consequence of significantly hampering, if not effectively barring, former law clerks to Virgin Islands judges from employment with private Virgin Islands firms if the entire firm were to be disqualified from any matter assigned to the employing judge during the law clerk's tenure.

2014) ("ethical walls" can be effectively implemented even in small firms); *Lamb*, 333 F. Supp. 2d at 366 (disqualification denied where the implementation of a "Chinese Wall," effectively screened a paralegal formerly employed by opposing counsel).

In his Opposition, Plaintiff asserts that it is infeasible in the Virgin Islands to deem screening impossible at firms with fewer than 35 attorneys. Further, the imposition of a blanket rule disqualifying former law clerks is also impractical, citing cases discussing the more analogous Model Rule 1.11.[7] *Rennie v. Hess Oil Corporation*, 981 F. Supp. 374, 378 (D.V.I. 1997) ("The Model Rules specifically provide for screening as an exception to vicarious disqualification. In Formal Opinion 342, the ABA ruled that the blanket rule of imputed disqualification with regard to a government attorney entering private practice may be obviated by effective screening mechanisms or 'Chinese Walls.'").[8]

In his Declaration submitted with Plaintiff's Opposition, Attorney Holt details the screening procedures implemented to construct a "Chinese Wall" in his firm to isolate Attorney Seila from these cases, as follows:

- I removed over 95% of the Hamed files from the office and placed them in storage so they would not be in the office.
- I then placed the remaining files in my office, as opposed to the file cabinets in the common areas of my office where files are normally kept, which I then locked so they could not be accessed without my knowledge.
- I had an IT person then remove all of the Hamed files from the office public server and place them on a separate server so they could not be accessed by Robin Seila once she began work.

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[7] Model Rule 1.11 is more analogous because, like the controlling Rule 211.1.12 and unlike Rule 211.1.10, Rule 211.1.11 expressly permits for screening to refute the imputation of an attorney's conflict to his or her firm.

[8] In considering whether a substantive violation has occurred, the Court looks to the comments accompanying the ABA's Model Rules of Professional Conduct for guidance. VISCR 203(a) ("to the extent applicable, the accompanying or related ABA Interpretive Guidelines, Comments and Committee Comments … govern the conduct of members of the Bar of this Territory."); *Fenster v. Dechabert*, 2017 V.I. LEXIS 149, *14 (V.I. Super. Ct. Sep. 17, 2017) (decided well after the implementation of the Virgin Islands Rules for Professional Conduct in February 1, 2014). The Virgin Islands Rules of Professional Conduct largely resemble the ABA's Model Rules of Professional Conduct. *Compare* VISCR 211.1.0 *et seq. with* Model R. Prof. Conduct 1.0 *et seq.*; *cf. King v. Appleton*, 61 V.I. 339, 353 n.12 (VI. 2014) ("The Virgin Islands Rules of Professional Conduct — like the Model Rules of Professional Conduct in force before February 1, 2014, see Prom. Order No. 2013-0001 (V.I. Dec. 23, 2013) — state that a concurrent conflict of interest exists where "there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.") (citations omitted).

- I set up separate email accounts for use for the Hamed cases so they could not be accessed by Robin Seila. I also made sure she would not have access to any passwords for my email accounts.
- I then met with my office staff, which consists of three people, and discussed what a Chinese Wall meant and how they should coordinate those efforts by making sure she did not see any new pleadings or correspondence, and could not access any old files. They were also instructed not to discuss the Hamed case with her at any time.
- I made it clear to the staff and the client that there was to be no communications between the client and Robin Seila whatsoever.

Holt Declaration, at ¶ 18.

Balancing "the right of a party to retain counsel of his choice and the substantial hardship which might result from disqualification as against the public perception of and the public trust in the judicial system," in light of the permissive language of VISCR 211.1.12, the Court finds that the screening procedures implemented by Attorney Holt are sufficient to safeguard the public perception of and public trust in the judicial system. *Nicholas*, 2013 U.S. Dist. LEXIS 42717, at *12 (citing *Lamb*, 46 V.I. at 216). Accordingly, the Court will not impose the drastic remedy of disqualification, depriving Hameds of their counsel of choice who has prosecuted this complex litigation entering its sixth year, with the proviso that the screening measures implemented by Attorney Holt remain in place and that Attorney Seila receive no apportionment of the fee Attorney Holt collects.

Timely written notice was provided to opposing counsel and the appropriate tribunal.

In addition to the timely implementation of screening measures, the Virgin Islands Rules require that, "written notice is promptly given to the parties and any appropriate tribunal to enable them to ascertain compliance with the provisions of this rule." VISCR 211.1.12(c)(2). Defendants' assertion that written notice was not provided is refuted by the email chain attached to Defendants' Motion, which indicates that Attorney Holt informed defense counsel Gregory Hodges, Esq. on July 25, 2017 that he had hired Attorney Seila, and that "she starts Oct 4," confirmed by Attorney Hodges' Declaration. Motion, Ex. A, at 3; Ex. C, ¶ 5. Attorney Hodges also acknowledged receipt of a letter, copied to Special Master Edgar Ross, from Attorney Holt before Attorney Seila's employment commenced, detailing his setting up a "Chinese Wall" to screen Attorney Seila from these matters. Motion, Ex. B.

Defendants argue that notice was "not provided to this Court, only to the Master who has no jurisdiction over the issue of counsel's conflicts of interest." Judge Ross was appointed Special Master by Order of January 9, 2015. In this capacity, Judge Ross acts as an agent of the Superior Court. *See, e.g., Quitoriano v. Raff & Becker, LLP*, 675 F. Supp. 2d 444, 453 (S.D.N.Y. 2009); *Coal. for Equity & Excellence in Md. Higher Educ. v. Md. Higher Educ. Comm'n*, 2017 U.S. Dist. LEXIS 185255, at *110 (D. Md. 2017); *Blackman v. District of Columbia*, 328 F. Supp. 2d 36, 43 (D.D.C. 2004); *Judson v. Davis*, 916 So. 2d 1106, 1117 n.10 (La. App. 1st Cir. 2005). As an agent of the Court, Judge Ross's receipt of written notice adequately provides notice to the appropriate tribunal. *See* 5 V.I.C. § 582(8) ("'Tribunal' means a court, agency, or other entity.").

The question whether Defendants expressly waived Attorney Seila's conflict is moot.

Attorney Holt argues that Defendants expressly waived any conflict, asserting that "Attorney Hodges said his client would not object if I hired Judge Brady's law clerk" during a telephone conversation on June 6, 2017. Opposition, at 11. Attorney Hodges denies any such waiver. Reply, at 3. A client's consent to waive a conflict under VISCR 211.1.12(a) is required to be confirmed in writing. So, even if Attorney Holt's recollection is accurate, Defendants' alleged consent during the phone conversation of counsel does not satisfy the requirement that consent to Attorney Seila's involvement be in writing. However, because the Court finds that the Chinese Wall implemented by Attorney Holt adequately screens Attorney Seila from involvement in these cases involving Defendants, the question of whether Defendants expressly waived the right to object is moot.

Discovery on the timeline of Attorney Seila's employment negotiations with Attorney Holt is not required.

Defendants assert that discovery is needed on the timeline of employment discussions between Attorneys Holt and Seila, and regarding Attorney Seila's involvement with these and other related cases. This argument, too, fails. VISCR 211.1.12(b) provides, "A lawyer serving as a law clerk to a judge or other adjudicative officer may negotiate for employment with a party or lawyer involved in a matter in which the clerk is participating personally and substantially, but only after the lawyer has notified the judge or other adjudicative officer." Here, Attorney Seila has declared that she provided notice to the undersigned upon being approached concerning employment by Attorney Holt in early June 2017, and that from the commencement of those

communications, her involvement with these matters terminated completely. Seila Declaration, at 4. That recitation is consistent with the recollection of the undersigned.

In these circumstances, the facts in the record establish that the screening mechanisms implemented at the start of Attorney Seila's employment with Attorney Holt were sufficient to screen her from involvement in these cases, and that adequate timely notice of the prospective employment was provided to opposing counsel and the Court. The Rules do not contemplate discovery and none is required here. Attorney Seila's participation in these matters is prohibited by VISCR 211.1.12(a), but the implementation of timely adequate screening and notice suffices under VISCR 211.1.12(c) to avoid the imputation of Attorney Seila's disqualification onto Attorney Holt, and Defendants' request for discovery on these issues is denied.

Accordingly, it is hereby

ORDERED that Defendants' Motion to Disqualify Counsel for the Hameds and for Discovery Related to Additional Potential Basis for Disqualification is DENIED. It is further

ORDERED that as long as Attorney Seila is employed by Attorney Holt and until these consolidated cases have finally concluded, through any appeal, all screening measures implemented as set out in ¶ 18 of Attorney Holt's December 14, 2017 Declaration shall remain in force and effect to screen Attorney Seila from any involvement in these matters.

DATED: March 14, 2018.

DOUGLAS A. BRADY
Judge of the Superior Court

ATTEST:
ESTRELLA GEORGE
Clerk of the Court

By: _____ 3/14/18
Court Clerk Supervisor

CERTIFIED TO BE A TRUE COPY
This 14 day of MARCH 2018
ESTRELLA GEORGE
CLERK OF THE COURT
By _____ Court Clerk